

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION**

**THIS DOCUMENT RELATES TO
ETHICON WAVE 1 CASES**

**Master File No. 2:12-MD-02327
MDL No. 2327**

**JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE**

DEFENDANTS' MOTION TO EXCEED PAGE LIMITATION

Defendants Ethicon, Inc. and Johnson & Johnson respectfully request that the Court afford them leave to exceed the 20-page limitation set forth in Local Rule 7.1(a)(2), as it relates to the memoranda of law supporting their forthcoming motions to exclude the general expert opinions of Dr. Jerry Blaivas, Dr. Daniel Elliott, Dr. Suzanne Parisian, and Anne Wilson. As support for this motion, Defendants submit that there are many aspects of these experts' opinions that are subject to detailed challenge.

Defendants do not intend to re-hash old arguments that the Court has previously rejected or to present unnecessarily verbose argument. Defendants, nevertheless, feel constrained in their ability to present all the grounds for these experts' exclusion in 20-page briefs. Because it is important to set forth these grounds in detail and the Court will benefit from a comprehensive assessment of the grounds to exclude these experts, a page extension is appropriate.

Defendants would further note that, because this matter involves a "wave" of many cases, particularly detailed briefs are warranted. Moreover, unlike other cases, these experts intend to provide a number of general opinions about a variety of medical devices at issue, including devices used to treat both stress urinary incontinence ("SUI") as well as pelvic organ prolapse.

There are often nuances among these devices that necessitate challenges to opinions about certain of these devices but not others.

Finally, Defendants would note that the Court granted a similar motion with respect to Dr. Blaivas filed by Defendants in the TVT Consolidated/Mullins, *et al.* cases. (Case No. 2:12-cv-02952, Doc. 105). Because the trial in that case was continued, the Court has not had the opportunity to consider Defendants' arguments concerning Dr. Blaivas, and therefore, many of those same arguments will need to be repeated as part of Defendants' forthcoming Motion to Exclude Dr. Blaivas's general opinions in the Wave 1 cases.

For all of these reasons, Defendants submit that they have presented good cause for relief from the page limitation requirement and respectfully request that the Court allow them to present 30-page briefs as it relates to these four experts' general opinions.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Christy D. Jones, certify that on April 13, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

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